

of the evils actually present or threatening, and to take such steps by legislation within its powers deemed proper to remedy them." *Stafford v. Wallace*, 258 U.S. 495, 513 (1922).

This Court noted in *Stafford* that one of the chief evils feared by Congress in enacting the PSA was the extraordinary power of the packers to lower the price paid to producers. *Supra* at 516. As the power of the processors has increased through integration and consolidation, the returns to growers have steadily declined.¹ Studies of the poultry industry reveal that while companies have enjoyed a twenty to thirty percent return on their investment, returns to poultry growers have been in the dismal one to three percent, despite the fact that growers invest over fifty percent of the capital needed to grow chickens. Poultry growers earn well below minimum wage, and over seventy percent have incomes below poverty level from their poultry operations and qualify for food stamps.² By targeting the leaders of one of the largest poultry growing associations in the country, by spending millions in defense of their claims, by manipulation and loose representation of those facts, Respondent has thus far succeeded in putting Petitioners "in their place." By allowing it to happen, the Eleventh Circuit has promoted the very evil Congress sought to dispel. The Eleventh Circuit has sent a

¹ C. Robert Taylor, *Restoring Economic Health to Contract Poultry Production*, p. 6, at <http://www.auburn.edu/~taylocr/topics/reports/recent.htm>; U.S.D.A., *A Time to Act - A Report of the USDA National Commission on Small Farms*, at http://www.nasda-hq.org/joint/farmbill/smfarm_rpt.html.

² Deborah Thompson Eisenberg, *The Feudal Lord in the Kingdom of Big Chicken: Contracting and Worker Exploitation by the Poultry Industry*, at <http://www.nelp.org/docUploads/eisenberg.pdf>.

clear message to poultry growers that they need not bother because they have no right to fair treatment. The petition should be granted to correct the obvious errors of the lower court.

The petition for writ of certiorari should be granted.

Respectfully submitted,

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